

**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**v.**

**No. CR 07-0614 RB  
CR 09-2479**

**REBECCA CHRISTIE (a/k/a REBECCA  
WULF), and DEREK WULF,**

**Defendants.**

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Defendants' Joint Motion for Bill of Particulars (Doc. 168), filed on August 7, 2009. The Court heard argument on this motion on September 10, 2009. Having considered the submissions and arguments of counsel, relevant law, and being otherwise fully advised, I find that this motion should be granted in part as provide herein.

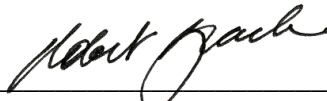
The purpose of a bill of particulars is to inform the defendant of the charges against him with sufficient precision to permit him to prepare for trial and to avoid or minimize the danger of surprise at the time of trial. *United States v. Levine*, 983 F.2d 165, 166 (10th Cir. 1992). The defendant is not entitled to notice of all evidence that the government may have, but only the theory of the government's case. *United States v. Dunn*, 841 F.2d 1026, 1030 (10th Cir. 1988).

In this case, the Second Superseding Indictments include the essential elements of the charges and provides Defendants with adequate information to allow them to prepare for trial. Defendants admit that the United States has provided them with over 2,100 pages of discovery. However, Defendants maintain that they are unable to prepare a defense to the charges covering the twelve-month period, that is the subject of Counts 2 and 4, without more specific information about

what actions the United States claims constituted child abuse out of the myriad actions Defendants took as parents over the course of a year.

If there are specific instances of conduct in support of the notion that, during the twelve-month period at issue, Defendants were not providing the child with proper care or nutrition, the United States must provide an informative summary of such evidence by September 18, 2009.

**IT IS SO ORDERED.**

  
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**ROBERT C. BRACK**  
**UNITED STATES DISTRICT JUDGE**